

SAIDMAN, STERNE, KESSLER & GOLDSTEIN

349.00 - *Patent Work*
1/303952
4-7-89

ATTORNEYS AT LAW

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CABLE: PRELEX
TELEX: 248636 BSK

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION: CLASS <u>106</u> SUBCLASS <u>501</u>	PRIOR APPLICATION: EXAMINER Lewis, A.	ART UNIT 337
0627.0160001			

Address to:

Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

This is a Request for filing a continuation-in-part continuation divisional application under 37 CFR 1.62 of prior application Serial No. 161,046, filed on 2/26/88 entitled CO₂ INDICATOR AND THE USE THEREOF TO EVALUATE PLACEMENT OF TRACHEAL TUBES by the following named inventor(s).

FULL NAME OF INVENTOR	FAMILY NAME <u>Raemer</u> 40000	FIRST GIVEN NAME <u>Daniel</u>	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY <u>NH</u> 67 St. Paul St. Brookline	STATE OR FOREIGN COUNTRY <u>MA</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>67 St. Paul Street</u>	CITY <u>Brookline</u>	STATE & ZIP CODE/COUNTRY <u>MA 02146 USA</u>
FULL NAME OF INVENTOR	FAMILY NAME <u>Walt</u> 40000	FIRST GIVEN NAME <u>David</u>	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY <u>NH</u> 12 Milk St., Lexington	STATE OR FOREIGN COUNTRY <u>MA</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>12 Milk St.</u>	CITY <u>Lexington</u>	STATE & ZIP CODE/COUNTRY <u>MA 02173 USA</u>
FULL NAME OF INVENTOR	FAMILY NAME <u>Munkholm</u> 40000	FIRST GIVEN NAME <u>Christianne</u>	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY <u>NH</u> 12 Gifford Ct., Salem	STATE OR FOREIGN COUNTRY <u>MA</u>	COUNTRY OF CITIZENSHIP <u>U.S.A.</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>12 Milk St.</u>	CITY <u>Lexington</u>	STATE & ZIP CODE/COUNTRY <u>MA 02173 U.S.A.</u>

The above identified prior application in which no payment in the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

1. Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.

2. A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS	47 - 20 =	27	x \$12 =	\$ 324.00
	INDEPENDENT CLAIMS	4 - 3 =	1	x \$34 =	34.00
	MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+ \$110	
				BASIC FEE	\$340
			Total of above Calculations =		\$698.00
	Reduction by $\frac{1}{4}$ for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$349.00
				TOTAL =	\$349.00

3. The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 19-0036.

4. A check in the amount of \$ 544.00 is enclosed. (filing fee \$349, extension fee \$195.00)

5. A new oath or declaration is included since this application is a continuation-in-part which discloses and claims additional matter.

6. Amend the specification by inserting before the first line the sentence:

This application is a continuation-in-part, continuation, division, of application Serial No. 161,046, filed 2/26/88, ~~abandon~~.

7. A verified statement claiming small entity status is enclosed. (necessary even if a statement was filed in the prior application.)

8. Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 U.S.C. 119.

9. The prior application is assigned of record to Brigham & Women's Hospital

10. The power of attorney in the prior application is to: Perry J. Saidman, Reg. No. 26,028; Robert G. Sterne, Reg. No. 28,912; Edward J. Kessler, Reg. No. 25,688; Jorge A. Goldstein, Reg. No. 29,021 and Samuel L. Fox, Reg. No. 30,353. *301*

11. Also enclosed [x] Petition For Extension of Time

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

SAIDMAN, STERNE, KESSLER & GOLDSTEIN 601

1225 Connecticut Avenue 602

Washington, D. C. 20036 101

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

1-30-89

Date

Jackson

Signature

David K. Cornwell
Reg. No. 31,944

- inventor(s)
 - assignee of complete interest
 - attorney or agent of record
 - filed under §1.34(a)

Applicant or Patentee: Daniel B. Raemer, David R. Walt, Christiane Munkholm Attorney's
Serial or Patent No.: Serial No. 161,046 Docket No.: 0627016000
Filed or Issued: Filed: 2/26/88

For: CO₂ INDICATOR AND THE USE THEREOF TO EVALUATE PLACEMENT

OF TRACHEAL TUBES
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (d)) — NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Brigham & Women's Hospital
ADDRESS OF ORGANIZATION 75 Francis Street, Boston, MA 02115

TYPE OF ORGANIZATION

- University or other institution of higher education
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
 Nonprofit scientific or educational under statute of state of The United States of America
(Name of state _____)
(Citation of statute _____)
 Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in
The United States of America
 Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located
in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR
1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the
invention entitled CO₂ INDICATOR AND THE USE THEREOF TO EVALUATE PLACEMENT OF TRACHEAL TUBES by inventor(s)
described in

- the specification filed herewith
 application serial no. 161,046, filed 2/26/88
 patent no. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with
regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights
to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could
not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business
concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

*NOTE: Separate verified statements are required from each named person, concern or organization
having rights to the invention averring to their status as small entities. (37 CFR 1.27)

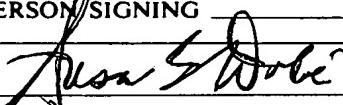
NAME _____
ADDRESS _____ INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____ INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement
to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee
due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information
and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements
and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States
Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or
any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Susan Dube'
TITLE IN ORGANIZATION Vice President
ADDRESS OF PERSON SIGNING _____

SIGNATURE 

DATE

